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3634

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hoermann

Examiner:

Serial No.: 10/781,016

Date: July 14, 2004

Filed: February 18, 2004

Docket: 298-228

For: CONTROLLED DRIVE FOR A GARAGE DOOR SECTION  
OR THE LIKE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
MAIL STOP: PETITIONS

PETITION TO RECEIVE FILING DATE

Responsive to the Notice of Incomplete Nonprovisional Application mailed May 14, 2004 by the Patent and Trademark Office in the above-identified application, please enter the following Petition to receive the filing date of February 18, 2004.

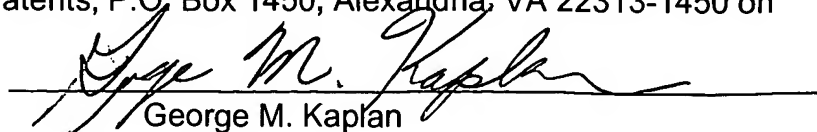
The Notice alleges the above-identified application was deposited without drawings on February 18, 2004. In this regard, the following six items (i) –(vi) are enclosed:

(i) Two sheets of drawings (Figs. 1–3) as filed with the application papers on February 18, 2004;

(ii) A copy of the first page of the Utility Application Data Sheet indicating these drawings were filed with the application papers on February 18, 2004;

CERTIFICATE OF MAILING 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 14, 2004

  
George M. Kaplan

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(iii) A copy of Form PTO/SB/05 also indicating these drawing sheets were filed on February 18, 2004;

(iv) A copy of the return postcard confirming receipt of these drawings, in addition to other application papers on February 18, 2004;

(v) A copy of the Notice of Incomplete Nonprovisional Application; and

(vi) A check in the amount of \$130 for the Petition Fee under 37 C.F.R. 1.17(h).

Accordingly, it is clear from the evidence presented herein, notably items (ii)-(iv) supra, the present application was indeed filed with the requisite drawings on February 18, 2004 and should therefore be entitled to this filing date. Refund of the Petition fee is also respectfully requested by crediting Deposit Account No. 04-1121 (any fee deficiencies should also be charged to this Deposit Account).

Granting of the present Petition is earnestly requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "George M. Kaplan", is written over a horizontal line.

George M. Kaplan  
Reg. No. 28,375  
Attorney for Applicant(s)

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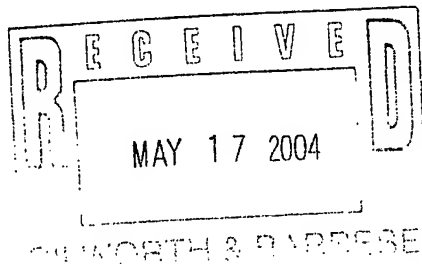
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/781,016	02/18/2004	Michael Hoermann	298-228

28249

DILWORTH & BARRESE, LLP  
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 UNIONDALE, NY 11553



CONFIRMATION NO. 2841

FORMALITIES LETTER



\*OC000000012658070\*

Date Mailed: 05/14/2004

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated, (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

DOCKET

PAPER

DUE DATE

ATTORNEY

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY